

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

VIRGIL BARCLAY

v.

PHILLIP WASHINGTON, C/O,
MICHAEL WENEROWICZ, Superintendent,
JOHN DOE, Captain, JOHN DOE, Lt., C/O
JOHN DOE 1, Sgt. JOHN DOE and C/O
JOHN DOE 2

: CIVIL ACTION

: NO. 14-6257

FILED

OCT 16 2015

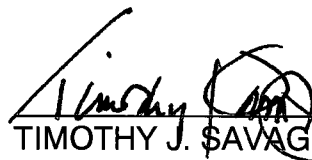
MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

ORDER

AND NOW, this 15th day of October, 2015, upon consideration of the Defendant Phillip Washington's Motion to Dismiss Under Rule 12(b)(6) (Document No. 18) and the plaintiff's response, it is **ORDERED** that the motion is **GRANTED IN PART** and **DENIED IN PART**.

IT IS FURTHER ORDERED as follows:

1. To the extent the motion seeks dismissal of the plaintiff's state law cause of action in Count V, it is **GRANTED**;
2. Count V of the plaintiff's amended complaint is **DISMISSED**; and
3. In all other respects, the motion is **DENIED**.


TIMOTHY J. SAVAGE, J.